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June 17, 2025

VIA ECF

Honorable Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Adewale Olukayode, et al. v. City of New York, et. al.
25 Civ. 01232 (PAE)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to represent defendants City of New York ("the City"), Former Mayor Bill De Blasio, Former New York City Police Department Commissioner Dermot Shea, and Former New York City Police Department Chief of Department Terence Monahan (hereinafter "defendants") in the above-referenced matter. Defendants write to respectfully request that the Court endorse the proposed briefing schedule for their anticipated motion to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. This is the first such request.

In the Complaint, plaintiffs allege, *inter alia*, that they were subjected to false arrest and/or excessive force on various dates. On May, 6, 2025, defendants made a request for an enlargement of time to respond to the Complaint until June 18, 2025. See ECF No. 13. The Court granted this request. See ECF No. 14. At this juncture, defendants are planning to move for dismissal of the Complaint pursuant to Federal Rule 12(b)(6) because, *inter alia*, plaintiffs' claims are time-barred and/or precluded by class action settlement.

Accordingly, defendants respectfully request that the Court endorse the following briefing schedule:¹ defendants' motion due by July 25, 2025, plaintiff's opposition due by August 25, 2025, and defendants' reply due by September 8, 2025.

¹ For the Court's information, the undersigned will be on trial in Zlatkis v. Raptis, et al., 22-CV-7402 (BMC), before the Honorable Brian M. Cogan, in the Eastern District of New York, scheduled to begin on June 23, 2025 through possibly June 30, 2025.

Thank you for your consideration herein.

Respectfully submitted,

/s/ *Zoe Reszytniak*

Zoe Reszytniak

Assistant Corporation Counsel

CC: VIA ECF

Counsel of Record

Defendants' contemplated motion to dismiss shall be due July 25, 2025. Plaintiffs shall file any amended complaint by August 15, 2025. No further opportunities to amend will ordinarily be granted. If plaintiffs do amend, by September 5, 2025, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that defendants rely on the previously filed motion to dismiss. If defendants file a new motion to dismiss or rely on their previous motion, an opposition from plaintiffs will be due 14 days thereafter, and a reply from defendants will be due seven days after that.

If no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by August 15, 2025. A reply from defendants shall be served by August 29, 2025.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 18, 2025

New York, New York